

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: August 31, 2010

FILED

DATE: 08/31/10

9:37 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

Vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 41

NATURE OF PROCEEDINGS

COURT REPORTER

Kathy Johnston

START TIME: 9:37 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Steven Carroll Democker, Defendant in Custody

At 9:37 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, and the Jury Panel present.

Court addresses the Jury Panel as to the comfort of the Courtroom regarding the blinds being open.

Court reads a portion of the Preliminary Jury Instructions to the jury panel.

Erin Daniel is sworn and testifies.

Counsel for State requests the admission of exhibits 3032, 3033, 3034, 3035, 3036, 3037, 3039, 3040, 3041 and 3042. Counsel for Defendant objects. Exhibits 3032, 3033, 3034, 3035, 3036, 3037, 3039, 3040, 3041 and 3042 are admitted.

Counsel for State requests the admission of exhibit 3038. Counsel for Defendant objects. Exhibit 3038 is admitted is admitted.

Court and counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Counsel for State requests the admission of exhibits 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052 and 3053. Counsel for has no objection. Exhibits 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052 and 3053 are admitted.

Counsel for State requests the admission of exhibits 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063 and 3064. Counsel for Defendant objects. Exhibits 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063 and 3064 are admitted.

Counsel for State requests the admission of exhibits 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 and 3075. Counsel for Defendant objects. Exhibits 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 and 3075 are admitted.

Court reminds the Jury Panel of the admonition. All parties shall return in 20 minutes.

At 10:43 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Court discusses the issue of cumulative photos. Court believes cumulative photos are not necessary. With regard to photos already admitted this morning, the Court finds there is no prejudice but would like Counsel to be more cautious.

At 10:50 a.m. Court takes the morning recess. All parties shall return in 15 minutes.

***** Recess at 10:50 a.m. *****

At 11:05 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, and the Jury Panel present.

Erin Daniel resumes testifying, having previously been sworn.

Counsel for State moves for the admission of exhibits 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085 and 3086. Counsel for Defendant objects. Counsel for State withdraws the request as to exhibits 3081 and 3082. Counsel for Defendant now has no objection. Exhibits 3076, 3077, 3078, 3079, 3080, 3083, 3084, 3085 and 3086

Counsel for State moves for the admission of exhibits 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095 and 3096. Counsel for Defendant objects. Exhibits 3087, 3090, 3092, 3093, 3094, 3095 and 3096 are admitted. The balance of the requested exhibits are not admitted at this time.

Exhibits 3088, 3089 and 3091 are now admitted over objection.

Counsel for State moves for the admission of exhibits 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107 and 3108. Counsel for Defendant objects. Exhibits 3101, 3102, 3103, 3105, 3106, 3107 and 3108 are admitted.

Court believes there was foundation for exhibits 3097, 3098, 3099 and 3100, however; will reserve any ruling for argument outside the presence of the Jury Panel.

Counsel for State moves for the admission of exhibits 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117 and 3118. Counsel for Defendant has no objection. Exhibits 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117 and 3118 are admitted.

Counsel for State moves for the admission of exhibits 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128. Counsel for Defendant objects to specific exhibits. State withdraws exhibit 3121. Exhibits 3120, 3122, 3123, 3124, 3125, 3126, 3127 and 3128 are admitted.

Exhibit 3132 is subject to further argument.

Counsel for State moves for the admission of exhibits 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141 and 3142. Counsel for Defendant objects. Exhibits 3138, 3140, 3141 and 3142 are admitted.

Court reminds the Jury Panel of the admonition. All parties shall return at 1:20 p.m.

***** Noon Recess at 12:00 p.m. *****

At 1:24 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, and the Jury Panel present.

Erin Daniel resumes testifying, having previously been sworn.

Counsel for State moves for the admission of exhibits 3215. Counsel for Defendant has no objection. Exhibit 3215 is admitted.

Counsel for State moves for the admission of exhibits 3133, 3134, 3135, 3136 and 3137. Counsel for Defendant conducts *voir dire* and objects. Counsel for Defendant withdraws his objection as to exhibit 3133. Exhibit 3133 is admitted.

Court finds there is foundation as to 3134, 3135, 3136 and 3137, however; exhibits 3134, 3135, 3136 and 3137 are not admitted as to relevance.

Counsel for State moves for the admission of exhibits 3143, 3144, 3145, 3146, 3147, 3149, 3150, 3151, 3152, and 3153. Counsel for Defendant has no objection. Exhibits 3143, 3144, 3145, 3146, 3147, 3149, 3150, 3151, 3152, and 3153 are admitted.

Counsel for State moves for the admission of exhibits 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3163, 3164, 3165 and 3166. Counsel for Defendant conducts *voir dire*. Counsel has no objections. Exhibits 3154, 3156, 3157, 3158, 3159, 3160, 3163, 3164, 3165, and 3166 are admitted.

Counsel for State moves for the admission of exhibits 3167, 3168, 3169, 3170, 3171, 3172, 3174, 3175 and 3176. Counsel for Defendant conducts *voir dire*. Exhibits 3169, 3170, 3171, 3172, 3174, 3175 and 3176 are admitted. Exhibits 3167 and 3168 are admitted.

Counsel for State moves for the admission of exhibits 3177, 3178, 3179, 3182, 3183, 3184, 3185, 3186, 3188 and 3189. Counsel for Defendant has no objection to exhibits 3177, 3178, 3179, 3186 and 3188. Exhibits 3177, 3178, 3179, 3186 and 3188 are admitted.

Counsel for State moves for the admission of exhibits 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198 and 3214. Counsel for Defendant conducts *voir dire*. Counsel has no objection. Exhibits 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198 and 3214 are admitted.

Counsel for State moves for the admission of exhibit 3216. Counsel for Defendant conducts *voir dire*. Counsel for Defendant objects.

Court reminds the Jury Panel of the admonition. All parties shall return at 3:20 p.m.

***** Recess at 2:58 p.m. *****

At 3:26 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, and the Jury Panel present.

Erin Daniel resumes testifying, having previously been sworn.

Court reminds the Jury Panel of the admonition. All parties shall return in 10 minutes.

***** Recess at 4:07 p.m. *****

At 4:40 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, and the Jury Panel present.

Erin Daniel resumes testifying, having previously been sworn.

Court reminds the Jury Panel of the admonition. The Jury Panel shall return at 9:15 a.m. tomorrow, Wednesday, September 1, 2010.

Court adjourns at 5:00 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)
Christopher DuPont, Trautman DuPont PLC,
Counsel for Victims Charlotte and Katherine DeMocker
YCSO – Detention Records (e)
Victim Services (e)
John Napper, Counsel for Renee Girard(e)
Division 6